

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

01 0220204

AT RICHMOND, FEBRUARY 23, 2001

JOINT APPLICATION OF

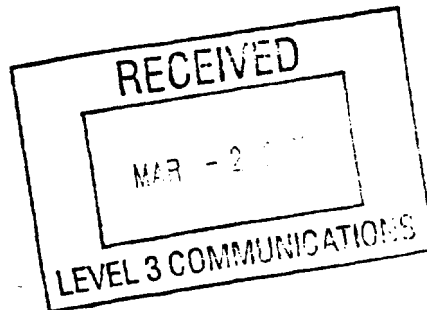
VERIZON VIRGINIA INC.

CASE NO. PUC010024

and

LEVEL 3 COMMUNICATIONS, LLC

For approval of an interconnection
agreement under § 252(e) of the
Telecommunications Act of 1996



ORDER APPROVING AGREEMENT

On January 26, 2001, Verizon Virginia Inc. ("Verizon Virginia") and Level 3 Communications, LLC ("Level 3") filed an interconnection agreement ("Agreement"), entered under §§ 251 and 252 of the Telecommunications Act of 1996 ("the Act"), 47 U.S.C. §§ 251 and 252, for State Corporation Commission ("Commission") approval pursuant to § 252(e) of the Act, 47 U.S.C. § 252(e).¹

Counsel for Verizon Virginia indicated that a copy of the Agreement was served on the modified service list in this case as defined in the Commission's Procedural Rules for Implementing §§ 251 and 252 of the Act, as adopted in Case No. PUC960059, 20 VAC 5-400-190. Comments were to be filed on or before February 16, 2001, and none were received.

¹ On February 6, 2001, Verizon Virginia, by counsel, filed an amendment substituting language contained in Section 5(i) of the Agreement.

Whether the Commission is authorizing alternative forms of regulation or certificating competitive providers, it must assure the continuation of quality local exchange telecommunications services and protect the public interest. The Commission has a duty under the Constitution of Virginia and the Code of Virginia to regulate the operations of telecommunications public service companies to assure conformance to the public interest. See Va. Const. art. IX, § 2, and § 56-35, § 56-265.4:4 C, and Chapter 15 of Title 56 of the Code of Virginia. Our action approving the interconnection agreement negotiated between Verizon Virginia and Level 3 is taken pursuant to that authority and any authority granted us under the Act that we may exercise without effecting waiver of any and all immunity possessed by the Commonwealth of Virginia as a sovereign state of the United States of America under the Eleventh Amendment to the United States Constitution.

Notwithstanding their negotiated agreement, Verizon Virginia, Level 3, and all other providers of local exchange telecommunications services must comply with all statutory standards and Commission rules and regulations. As required by subdivision A 2 of the procedural rules, we have reviewed the negotiated portions of the Agreement. We find no reason to reject this Agreement. The Agreement is binding only on Verizon Virginia and Level 3 and should not be viewed as precedent for other agreements.

Accordingly, IT IS THEREFORE ORDERED THAT:

(1) Pursuant to the Commission's authority to regulate public service companies as authorized by the Virginia Constitution, art. IX, § 2, and § 56-35 of the Code of Virginia, the interconnection agreement submitted by Verizon Virginia and Level 3 is hereby approved.

(2) A copy of this Agreement shall be kept on file in the Commission's Division of Communications for inspection by the public.

(3) This matter is continued generally for the consideration of any subsequent revisions or amendments to the Agreement.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Lydia R. Pulley, Vice President and General Counsel, Verizon Virginia Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219; Michael R. Romano, Director, State Regulatory Affairs, Level 3 Communications, LLC, 1025 Eldorado Boulevard, Broomfield, Colorado 80021; John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Division of Communications.

A True Copy
Teste: *Joel H. Beck*
Clerk of the
State Corporation Commission

Exhibit D

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
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405 LEXINGTON AVENUE
NEW YORK, NY 10174
(212) 973-0111 FAX (212) 891-9598

May 11, 2001

VIA FEDERAL EXPRESS

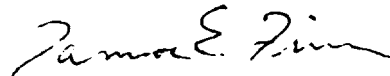
Dennis Keschl, Administration Director
Maine Public Utilities Commission
242 State Street
Augusta, ME 04333

Re: Level 3 Communications, LLC
Petition for Approval of Interconnection Agreement

Dear Mr. Keschl:

Enclosed for filing please find an original and six (6) copies of Level 3 Communications, LLC's Petition for Approval of Interconnection Agreement. Please date stamp the extra copy of the Petition and return it in the enclosed self-addressed envelope.

Sincerely,



Russell M. Blau.
Tamar E. Finn

Attorneys for Level 3 Communications, LLC

Enclosures

cc: Service List
Michael Romano
Zenas Choi

Level 3 Communications, LLC)
)
)
 Petition for Approval of Interconnection)
 Agreement with Verizon Maine, Inc.)
 f/k/a Bell Atlantic-Maine)
)

Docket No. _____

Level 3 Communications, LLC (“Level 3”) hereby notifies the Maine Public Utilities Commission (“Commission”) of its adoption of the entire interconnection agreement between Level 3 and Verizon Virginia, Inc. f/k/a Bell Atlantic-Virginia (“Verizon-VA”) (the “Agreement”) pursuant to Section 252(i) of the Telecommunications Act of 1934, as amended (“the Act”), and the conditions set forth in the Bell Atlantic-GTE merger proceeding by the Federal Communications Commission (“FCC”) in CC Docket No. 98-184 (“Merger Conditions”).¹ Under Section 252(i) and the Merger Conditions, Verizon Maine, Inc. f/k/a Bell Atlantic-Maine (“Verizon-ME”) is required to make the Agreement available to Level 3 in the State of Maine.² Accordingly, Level 3 submits the attached Agreement and respectfully requests that the

² Under paragraph 31 of Appendix D the BA/GTE, Order "Bell Atlantic/GTE shall make available to any requesting telecommunications carrier in the Bell Atlantic/GTE Service Area within any Bell Atlantic/GTE State any interconnection arrangement, UNE, or provisions of an interconnection agreement (including the entire agreement) . . ."

Commission issue an order approving the adoption effective as of the date Verizon-ME received Level 3's request – May 10, 2001.

1. Level 3 is a Delaware limited liability company which has applied for and received certification to provide facilities-based interexchange service in Maine pursuant to Docket No. 99-13.

2. Verizon-ME is an incumbent provider of local exchange services within the State of Maine. Verizon-ME provides, and at all material times has provided, intrastate local exchange and exchange access service in Maine subject to the regulatory authority of this Commission.

3. For the purposes of Sections 251 and 252 of the Act, Verizon-ME is and has been at all material times an "incumbent local exchange carrier" in the State of Maine as defined by Section 251(h).

4. On May 10, 2001, pursuant to and consistent with Section 252(i) and the Merger Conditions, Level 3 requested that Verizon-ME provide it with interconnection, access to unbundled network elements, and wholesale services for resale in the State of Maine on the same terms and conditions as are contained in the approved Agreement dated November 1, 2000 between Level 3 and Verizon-VA in its entirety.³ The letter requesting adoption of the Agreement is attached as Exhibit A.

5. The Agreement was filed by Verizon-VA with the Virginia State Corporation Commission on or about January 26, 2001, and was approved effective on or about February 23, 2001 pursuant to Case No. PUC010024. The Application for

³ Level 3 acknowledges that the Merger Conditions do not apply to state-specific pricing. Accordingly, Level 3 believes that the pricing attachments to the Agreement should be replaced with Commission approved rates when the Commission establishes permanent rates in Docket No. 97-505. *See*

Approval, a February 6, 2001 letter amending the Application for Approval, the Agreement, and the Virginia State Corporation Commission Order Approving the Agreement are attached as Exhibit B.

6. Section 252(e)(2) of the Act directs that a state commission may reject an agreement reached through negotiation and/or arbitration only if the Commission finds that:

- 1) The agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 2) The Implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.

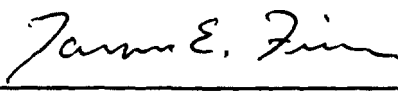
Level 3 submits that the Agreement provides no basis for either of these findings and, thus, requests that the Commission issue an order approving the Agreement.

7. The Agreement does not discriminate against any other telecommunications carrier. In addition, the Agreement is consistent with the public interest.

WHEREFORE, Level 3 seeks expedited approval of this adoption, and respectfully requests that the Commission issue an order approving this adoption effective as of the date Verizon-ME received Level 3's request – May 10, 2001.

Respectfully submitted,

Level 3 Communications, LLC

By: 
Russell M. Blau

Tamar E. Finn
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007-5116
(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

Michael R. Romano
Director – State Regulatory Affairs
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021
(720) 888-7015 (Tel)
(720) 888-5134 (Fax)

Its Attorneys

Dated: May 11, 2001

CERTIFICATE OF SERVICE

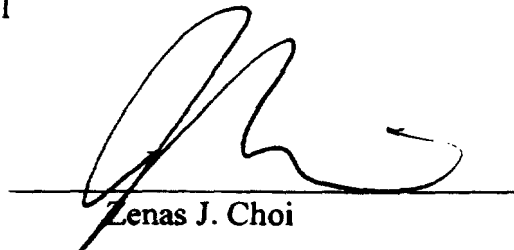
I, Zenas J. Choi, hereby certify that on this 11th day of May, 2001, a true and accurate copy of the foregoing Petition for Approval for Interconnection Agreement was served by overnight delivery to the following:

Mr. Donald W. Boecke
General Counsel
Verizon Maine
185 Franklin Street, Room 1403
Boston, MA 02110
Tel: (617) 743-5769
Fax: (617) 737-0648

Ms. Renee Ragsdale
600 Hidden Ridge Drive
HQE03B75
Irving, TX 75038

Mr. Jeffrey A. Masoner
Vice President-Interconnection
Verizon Interconnection Services
2107 Wilson Boulevard
11th Floor
Arlington, VA 22201

Chris Antoniou, Esq.
Bell Atlantic Network Services, Inc.
1320 N. Courthouse Road
2nd Floor
Arlington, VA 22201



Zenas J. Choi

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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3000 K STREET, NW, SUITE 300
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May 11, 2001

VIA FEDERAL EXPRESS

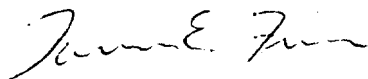
Susan Hudson, Clerk
Vermont Public Service Board
112 State Street, Drawer 20
Montpelier, VT 05620

Re: Level 3 Communications, LLC
Petition for Approval of Interconnection Agreement

Dear Ms. Hudson:

Enclosed for filing please find an original and six (6) copies of Level 3 Communications, LLC's Petition for Approval of Interconnection Agreement. Please date stamp the extra copy of the Petition and return it in the enclosed self-addressed envelope.

Sincerely,



Russell M. Blau.
Tamar E. Finn

Attorneys for Level 3 Communications, LLC

Enclosures

cc: Service List
Michael Romano
Zenas Choi

Level 3 Communications, LLC)
)
)
 Petition for Approval of Interconnection) Docket No. _____
 Agreement with Verizon Vermont, Inc.)
 f/k/a Bell Atlantic-Vermont)
)

Level 3 Communications, LLC (“Level 3”) hereby notifies the Vermont Public Service Board (the “Board”) of its adoption of the entire interconnection agreement between Level 3 and Verizon Virginia, Inc. f/k/a Bell Atlantic-Virginia (“Verizon-VA”) (the “Agreement”) pursuant to Section 252(i) of the Telecommunications Act of 1934, as amended (“the Act”), and the conditions set forth in the Bell Atlantic-GTE merger proceeding by the Federal Communications Commission (“FCC”) in CC Docket No. 98-184 (“Merger Conditions”).¹ Under Section 252(i) and the Merger Conditions, Verizon Vermont, Inc. f/k/a Bell Atlantic-Vermont (“Verizon-VT”) is required to make the Agreement available to Level 3 in the State of Vermont.² Accordingly, Level 3 submits the attached Agreement and respectfully requests that the Commission issue an order

2 Under paragraph 31 of Appendix D the BA/GTE, Order "Bell Atlantic/GTE shall make available to any requesting telecommunications carrier in the Bell Atlantic/GTE Service Area within any Bell Atlantic/GTE State any interconnection arrangement, UNE, or provisions of an interconnection agreement (including the entire agreement) . . ."

approving the adoption effective as of the date Verizon-VT received Level 3's request – May 10, 2001.

1. Level 3 is a Delaware limited liability company which has applied for and received certification to provide intrastate telecommunications services, including local exchange service, in Vermont pursuant to Docket No. 6195.

2. Verizon-VT is an incumbent provider of local exchange services within the State of Vermont. Verizon-VT provides, and at all material times has provided, intrastate local exchange and exchange access service in Vermont subject to the regulatory authority of the Board.

3. For the purposes of Sections 251 and 252 of the Act, Verizon-VT is and has been at all material times an "incumbent local exchange carrier" in the State of Vermont as defined by Section 251(h).

4. On May 10, 2001, pursuant to Section 252(i) and consistent with the Merger Conditions, Level 3 requested that Verizon-VT provide it with interconnection, access to unbundled network elements, and wholesale services for resale in the State of Vermont on the same terms and conditions as are contained in the approved Agreement dated November 1, 2000 between Level 3 and Verizon-VA in its entirety.³ The letter requesting adoption of the Agreement is attached as Exhibit A.

5. The Agreement was filed by Verizon-VA with the Virginia State Corporation Commission on or about January 26, 2001, and was approved effective on or about February 23, 2001 pursuant to Case No. PUC010024. The Application for Approval, a letter dated February 6, 2001 amending the Application for Approval, the

Agreement, and the Virginia State Corporation Commission Order Approving the Agreement are attached as Exhibit B.

6. Section 252(e)(2) of the Act directs that a state commission may reject an agreement reached through negotiation and/or arbitration only if the Commission finds that:

- 1) The agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 2) The Implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.

Level 3 submits that the Agreement provides no basis for either of these findings and, thus, requests that the Board issue an order approving the Agreement.

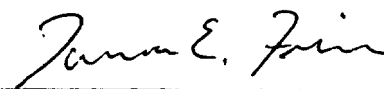
7. The Agreement does not discriminate against any other telecommunications carrier. In addition, the Agreement is consistent with the public interest.

WHEREFORE, Level 3 seeks expedited approval of this adoption, and respectfully requests that the Board issue an order approving this adoption effective as of the date Verizon-VT received Level 3's request – May 10, 2001.

Respectfully submitted,

Level 3 Communications, LLC

By: _____



Russell M. Blau
Tamar E. Finn

³ Level 3 acknowledges that the Merger Conditions do not apply to state-specific pricing. Accordingly, Level 3 believes that the pricing attachments to the Agreement should be replaced by the rates adopted by the Commission in its Statement of Generally Available Terms ("SGAT") in Docket No. 5713.

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(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

Michael R. Romano
Director – State Regulatory Affairs
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021
(720) 888-7015 (Tel)
(720) 888-5134 (Fax)

Its Attorneys

Dated: May 11, 2001

CERTIFICATE OF SERVICE


I, Zenas J. Choi, hereby certify that on this 11th day of May, 2001, a true and accurate copy of the foregoing Petition for Approval for Interconnection Agreement was served by overnight delivery to the following:

Mr. Gregory M. Kennan
Regulatory Counsel
Verizon Vermont
185 Franklin Street, Room 1403
Boston, MA 02110
Tel: (617) 743-2255
Fax: (617) 737-0648

Ms. Renee Ragsdale
600 Hidden Ridge Drive
HQE03B75
Irving, TX 75038

Mr. Jeffrey A. Masoner
Vice President-Interconnection
Verizon Interconnection Services
2107 Wilson Boulevard
11th Floor
Arlington, VA 22201

Chris Antoniou, Esq.
Bell Atlantic Network Services, Inc.
1320 N. Courthouse Road
2nd Floor
Arlington, VA 22201



Zenas J. Choi

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May 11, 2001

VIA FEDERAL EXPRESS

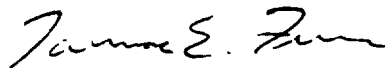
Sandra Squire, Executive Secretary
West Virginia Public Service Commission
201 Brooks Street
P.O. Box 812
Charleston, WV 25301

Re: Level 3 Communications, LLC
Application for Approval of Interconnection Agreement

Dear Ms. Squire:

Enclosed for filing please find an original and twelve (12) copies of Level 3 Communications, LLC's Application for Approval of Interconnection Agreement. Please date stamp the extra copy of the Petition and return it in the enclosed self-addressed envelope.

Sincerely,



Russell M. Blau.

Tamar E. Finn

Attorneys for Level 3 Communications, LLC

Enclosures

cc: Service List
Michael Romano
Zenas Choi

Case No. _____

Level 3 Communications, LLC (“Level 3”) hereby notifies the Public Service Commission of West Virginia (“Commission”) of its adoption of the entire interconnection agreement between Level 3 and Verizon Virginia, Inc. f/k/a Bell Atlantic-Virginia (“Verizon-VA”) (the “Agreement”) pursuant to Section 252(i) of the Telecommunications Act of 1934, as amended (“the Act”) and the conditions set forth in the Bell Atlantic-GTE merger proceeding by the Federal Communications Commission (“FCC”) in CC Docket No. 98-184 (“Merger Conditions”).¹ Under Section 252(i) and the Merger Conditions, Verizon West Virginia, Inc. f/k/a Bell Atlantic-West Virginia (“Verizon-WV”) is required to make the Agreement available to Level 3 in the State of West Virginia.² Accordingly, Level 3 submits the attached Agreement and respectfully

² Under paragraph 31 of Appendix D the BA/GTE, Order "Bell Atlantic/GTE shall make available to any requesting telecommunications carrier in the Bell Atlantic/GTE Service Area within any Bell Atlantic/GTE State any interconnection arrangement, UNE, or provisions of an interconnection agreement (including the entire agreement) . . ."

requests that the Commission issue an order approving the adoption effective as of the date Verizon-WV received Level 3's request – May 10, 2001.

1. Level 3 is a Delaware limited liability company which has applied for and received certification to provide interexchange and local exchange service in West Virginia pursuant to Case No. 98-1530-T-CN.

2. Verizon-WV is an incumbent provider of local exchange services within the State of West Virginia. Verizon-WV provides, and at all material times has provided, intrastate local exchange and exchange access service in West Virginia subject to the regulatory authority of this Commission.

3. For the purposes of Sections 251 and 252 of the Act, Verizon-WV is and has been at all material times an "incumbent local exchange carrier" in the State of West Virginia as defined by Section 251(h).

4. On May 10, 2001, pursuant to and consistent with the Merger Conditions, Level 3 requested that Verizon-WV provide it with interconnection, access to unbundled network elements, and wholesale services for resale in the State of West Virginia on the same terms and conditions as are contained in the approved Agreement dated November 1, 2000 between Level 3 and Verizon-VA in its entirety.³ The letter requesting adoption of the Agreement is attached as Exhibit A.

5. The Agreement was filed by Verizon-VA with the Virginia State Corporation Commission on or about January 26, 2001, and was approved effective on or about February 23, 2001 pursuant to Case No. PUC010024. The Application for

³ Level 3 acknowledges that the Merger Conditions do not apply to state-specific pricing. Accordingly, Level 3 believes that the pricing attachments to the Agreement should be replaced by the rates adopted by the Commission in its Statement of Generally Available Terms ("SGAT") as approved by the Commission in its order entered on April 16, 1999 in consolidated Case Nos. 96-1516-T-PC.

Approval, a February 6, 2001 letter amending the Application for Approval, the Agreement, and the Virginia State Corporation Commission Order Approving the Agreement are attached as Exhibit B.

6. Section 252(e)(2) of the Act directs that a state commission may reject an agreement reached through negotiation and/or arbitration only if the Commission finds that:

- 1) The agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 2) The Implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.


Level 3 submits that the Agreement provides no basis for either of these findings and, thus, requests that the Commission issue an order approving the Agreement.

7. The Agreement does not discriminate against any other telecommunications carrier. In addition, the Agreement is consistent with the public interest as identified in the pro-competitive policies of West Virginia Code § 24-2-12, the Act, and the Federal Communications Commission.

WHEREFORE, Level 3 seeks expedited approval of this adoption, and respectfully requests that the Commission issue an order approving this adoption effective as of the date Verizon-WV received Level 3's request – May 10, 2001.

Respectfully submitted,

Level 3 Communications, LLC

By: 
Russell M. Blau

Tamar E. Finn
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007-5116
(202) 424-7500 (Tel)
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Director – State Regulatory Affairs
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021
(720) 888-7015 (Tel)
(720) 888-5134 (Fax)

Its Attorneys

Dated: May 11, 2001

CERTIFICATE OF SERVICE

I, ~~Zenas~~ **J. Choi**, hereby certify that on this 11th day of May, 2001, a true and accurate copy of the foregoing Application for Approval for Interconnection Agreement was served by overnight delivery to the following:

Mr. David B. Frost
Vice President General Counsel & Sec'y
Verizon West Virginia
1500 MacCorkle Avenue, S.E.
Room 500
Charlestown, WV 25314
Tel: (304) 344-6302
Fax: (304) 344-6123

Ms. Renee Ragsdale
600 Hidden Ridge Drive
HQE03B75
Irving, TX 75038

Mr. Jeffrey A. Masoner
Vice President-Interconnection
Verizon Interconnection Services
2107 Wilson Boulevard
11th Floor
Arlington, VA 22201

Chris Antoniou, Esq.
Bell Atlantic Network Services, Inc.
1320 N. Courthouse Road
2nd Floor
Arlington, VA 22201



Zenas J. Choi